

# Senniger, Powers, Leavitt & Roedel

Attorneys at Law

Patents, Trademarks, Copyrights,  
Technology Law, Antitrust, Litigation

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October 21, 2003

EV272754831US

## UTILITY PATENT APPLICATION TRANSMITTAL

(new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket Number: 124858/GETS 5307.1

First Named Inventor: Dennis Brian Shea

Title: APPARATUS AND METHOD FOR AUTOMATIC DETECTION AND AVOIDANCE  
OF TURBOCHARGER SURGE ON LOCOMOTIVE DIESEL ENGINES

Express Mail Label Number: EV 272754831 US

TO: Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

### APPLICATION ELEMENTS

1. ☒ Fee Transmittal Form  
(original and duplicate)
2. ☐ Applicant claims small entity status
3. ☒ Specification [Total Pages 33]
4. ☒ Drawings [Total Sheets 06]
5. Oath or Declaration [Total Pages 05]
  - a. ☐ Newly executed (original or copy)  
☒ New (unexecuted)
  - b. ☐ Copy from a prior application  
(for continuation/divisional with  
Box 19 completed)
    - i. ☐ DELETION OF INVENTOR(s)  
Signed statement attached  
deleting inventor(s) named  
in prior application.

6. ☐ Incorporation By Reference  
(useable if Box 5b is marked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☒ Application Data Sheet
8. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
9. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

10. ☒ Assignment Papers (cover sheet & document(s))
11. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
12. ☐ English Translation Document (if applicable)
13. ☒ IDS with PTO/SB/O8A ☐ Copies of IDS Citations
14. ☐ Preliminary Amendment
15. ☒ Return Receipt Postcard
16. ☒ Request and Certification for Non-Publication. Form PTO/SB/35 is attached.
17. ☐ Certified Copy of Priority Document(s) if foreign priority is claimed
18. ☐ Other: \_\_\_\_\_

**IF A CONTINUING APPLICATION, CHECK APPROPRIATE BOXES AND SUPPLY THE REQUISITE INFORMATION**

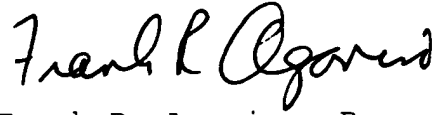
19. ☐ Continuation ☐ Divisional ☐ Continuation-in-Part of prior application No.: \_\_\_\_\_
- ☒ Complete Application based on provisional Application No. 60/419,895; filed 10/21/2002

Prior application information: Examiner:  
Group Art Unit:

CORRESPONDENCE ADDRESS

20. Correspondence Address: Customer Number 321  
Attention: Frank R. Agovino

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank R. Agovino". The signature is written in a cursive, flowing style with a large initial "F".

Frank R. Agovino, Reg. No. 27,416

FRA/ROE/cjl

**FEE TRANSMITTAL**

Application Number Not yet assigned  
Filing Date October 21, 2003  
Confirmation No. Not yet assigned  
Inventor(s) Shea et al.  
Group Art Unit Not yet assigned  
Examiner Name Not yet assigned  
Attorney Docket Number 124858/GETS 5307.1

**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 07-0846.  
  
☐ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 07-0846.  
  
☐ Applicant claims small entity status.
2. ☐ Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

**FEE CALCULATION**

1. ☒ BASIC FILING FEE Subtotal (1) \$770.00  
(Type: utility)
2. ☒ EXTRA CLAIM FEES Subtotal (2) \$596.00  
  
Total Claims 34  
Independent Claims 07  
Multiple Dependent Claims 00
3. ☒ ADDITIONAL FEES Subtotal (3) \$ 40.00  
  
☐ Surcharge - late filing fee or oath  
☐ Surcharge - late provisional filing fee or cover sheet  
☐ Extension for reply within \_\_\_\_\_ month  
☐ Notice of Appeal  
☐ Filing a Brief in Support of an appeal  
☐ Request for ex parte Reexamination  
☐ Petitions to the Commissioner  
☐ Submission of Information Disclosure Statement  
☒ Recording each patent assignment per property  
☐ Request for Continued Examination  
☐ Other: \_\_\_\_\_

**TOTAL AMOUNT OF PAYMENT** \$1,406.00

Frank R. Agovino 10/21/03  
Frank R. Agovino, Reg. No. 27,416 Date

FRA/ROE/cjl

Express Mail Label No. EV 272754831 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Shea et al.

For APPARATUS AND METHOD FOR AUTOMATIC DETECTION AND AVOIDANCE OF  
TURBOCHARGER SURGE ON LOCOMOTIVE DIESEL ENGINES

October 21, 2003

**REQUEST AND CERTIFICATION**  
**UNDER 35 U.S.C. 122(b)(2)(B)(i)**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Respectfully submitted,



Frank R. Agovino, Reg. No. 27,416  
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